

Whereas the annexed *Interim Order Respecting Certain Requirements for Civil Aviation Due to COVID-19, No. 50* is required to deal with a significant risk, direct or indirect, to aviation safety or the safety of the public;

Whereas the provisions of the annexed Order may be contained in a regulation made pursuant to sections 4.71 and 4.9, paragraphs 7.6(1)(a) and (b) and section 7.7 of the *Aeronautics Act*;

And whereas, pursuant to subsection 6.41(1.2) of that Act, the Minister of Transport has consulted with the persons and organizations that that Minister considers appropriate in the circumstances before making the annexed Order;

Therefore, the Minister of Transport, pursuant to subsection 6.41(1) of the *Aeronautics Act*, makes the annexed *Interim Order Respecting Certain Requirements for Civil Aviation Due to COVID-19, No. 50*.

Ottawa, December 20, 2021

Le ministre des Transports,

Original signed by
Omar Alghabra
Minister of Transport

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- S.C. 2004, c. 15, s. 5
 - S.C. 2014, c. 39, s. 144
 - S.C. 2015, c. 20, s. 12
 - S.C. 2004, c. 15, s. 18
 - S.C. 2001, c. 29, s. 39
 - R.S., c. A-2
 - S.C. 2004, c. 15, s. 11(1)
 - S.C. 2004, c. 15, s. 11(1)
 - R.S., c. A-2

**Interim Order Respecting Certain Requirements for Civil Aviation Due to COVID-19,
No. 50**

Interpretation

Definitions

1 (1) The following definitions apply in this Interim Order.

accredited person means a foreign national who holds a passport that contains a valid diplomatic, consular, official or special representative acceptance issued by the Chief of Protocol for the Department of Foreign Affairs, Trade and Development. (*personne accréditée*)

aerodrome property means, in respect of an aerodrome listed in Schedule 2, any air terminal buildings or restricted areas or any facilities used for activities related to aircraft operations or aerodrome operations that are located at the aerodrome. (*terrains de l'aérodrome*)

aerodrome security personnel has the same meaning as in section 3 of the *Canadian Aviation Security Regulations, 2012*. (*personnel de sûreté de l'aérodrome*)

air carrier means any person who operates a commercial air service under Subpart 1, 3, 4 or 5 of Part VII of the Regulations. (*transporteur aérien*)

Canadian Forces means the armed forces of Her Majesty raised by Canada. (*Forces canadiennes*)

Chief Public Health Officer means the Chief Public Health Officer appointed under subsection 6(1) of the *Public Health Agency of Canada Act*. (*administrateur en chef*)

COVID-19 means the coronavirus disease 2019. (*COVID-19*)

COVID-19 molecular test means a COVID-19 screening or diagnostic test carried out by an accredited laboratory, including a test performed using the method of polymerase chain reaction (PCR) or reverse transcription loop-mediated isothermal amplification (RT-LAMP). (*essai moléculaire relatif à la COVID-19*)

document of entitlement has the same meaning as in section 3 of the *Canadian Aviation Security Regulations, 2012*. (*document d'autorisation*)

foreign national means a person who is not a Canadian citizen or a permanent resident and includes a stateless person. (*étranger*)

non-passenger screening checkpoint has the same meaning as in section 3 of the *Canadian Aviation Security Regulations, 2012*. (*point de contrôle des non-passagers*)

Omicron variant means the SARS-CoV-2 variant B.1.1.529, designated as a variant of concern and named Omicron by the World Health Organization. (*variant Omicron*)

operator of an aerodrome means the person in charge of an aerodrome where activities related to civil aviation are conducted and includes an employee, agent or mandatary or other authorized representative of that person. (*exploitant*)

passenger screening checkpoint has the same meaning as in section 3 of the *Canadian Aviation Security Regulations, 2012*. (*point de contrôle des passagers*)

peace officer has the same meaning as in section 3 of the *Canadian Aviation Security Regulations, 2012*. (*agent de la paix*)

Regulations means the *Canadian Aviation Regulations*. (*Règlement*)

restricted area has the same meaning as in section 3 of the *Canadian Aviation Security Regulations, 2012*. (*zone réglementée*)

screening authority means a person responsible for the screening of persons and goods at an aerodrome set out in the schedule to the *CATSA Aerodrome Designation Regulations* or at any other place designated by the Minister under subsection 6(1.1) of the *Canadian Air Transport Security Authority Act*. (*administration de contrôle*)

screening officer, except in section 2, has the same meaning as in section 2 of the *Canadian Air Transport Security Authority Act*. (*agent de contrôle*)

Interpretation

(2) Unless the context requires otherwise, all other words and expressions used in this Interim Order have the same meaning as in the Regulations.

Conflict

(3) In the event of a conflict between this Interim Order and the Regulations or the *Canadian Aviation Security Regulations, 2012*, the Interim Order prevails.

Definition of *mask*

(4) For the purposes of this Interim Order, a **mask** means any mask, including a non-medical mask, that meets all of the following requirements:

- (a) it is made of multiple layers of tightly woven materials such as cotton or linen;
- (b) it completely covers a person's nose, mouth and chin without gaping;
- (c) it can be secured to a person's head with ties or ear loops.

Masks — lip reading

(5) Despite paragraph (4)(a), the portion of a mask in front of a wearer's lips may be made of transparent material that permits lip reading if

- (a) the rest of the mask is made of multiple layers of tightly woven materials such as cotton or linen; and
- (b) there is a tight seal between the transparent material and the rest of the mask.

Definition of *fully vaccinated person*

(6) For the purposes of this Interim Order, a **fully vaccinated person** means a person who completed, at least 14 days before the day on which they access aerodrome property or a location

where NAV CANADA provides civil air navigation services, a COVID-19 vaccine dosage regimen if

- (a) in the case of a vaccine dosage regimen that uses a COVID-19 vaccine that is authorized for sale in Canada,
 - (i) the vaccine has been administered to the person in accordance with its labelling, or
 - (ii) the Minister of Health determines, on the recommendation of the Chief Public Health Officer, that the regimen is suitable, having regard to the scientific evidence related to the efficacy of that regimen in preventing the introduction or spread of COVID-19 or any other factor relevant to preventing the introduction or spread of COVID-19; or
- (b) in all other cases,
 - (i) the vaccines of the regimen are authorized for sale in Canada or in another jurisdiction, and
 - (ii) the Minister of Health determines, on the recommendation of the Chief Public Health Officer, that the vaccines and the regimen are suitable, having regard to the scientific evidence related to the efficacy of that regimen and the vaccines in preventing the introduction or spread of COVID-19 or any other factor relevant to preventing the introduction or spread of COVID-19.

Interpretation — fully vaccinated person

(7) For greater certainty, for the purposes of the definition *fully vaccinated person* in subsection (6), a COVID-19 vaccine that is authorized for sale in Canada does not include a similar vaccine sold by the same manufacturer that has been authorized for sale in another jurisdiction.

Notification

Federal, provincial and territorial measures

2 (1) A private operator or air carrier operating a flight between two points in Canada or a flight to Canada departing from any other country must notify every person boarding the aircraft for the flight that they may be subject to measures to prevent the spread of COVID-19 taken by the provincial or territorial government with jurisdiction where the destination aerodrome for that flight is located or by the federal government.

Suitable quarantine plan

(2) A private operator or air carrier operating a flight to Canada departing from any other country must notify every person before the person boards the aircraft for the flight that they may be required, under an order made under section 58 of the *Quarantine Act*, to provide, before boarding the aircraft, to the Minister of Health, a screening officer or a quarantine officer, by the electronic means specified by that Minister, a suitable quarantine plan or, if the person is not required under that order to provide the plan and the evidence, their contact information. The

private operator or air carrier must also notify every person that they may be liable to a fine if this requirement applies to them and they fail to comply with it.

Vaccination

(3) A private operator or air carrier operating a flight to Canada departing from any other country must notify every person before the person boards the aircraft for the flight that they may be required, under an order made under section 58 of the *Quarantine Act*, to provide, before boarding the aircraft or before entering Canada, to the Minister of Health, a screening officer or a quarantine officer, by the electronic means specified by that Minister, information related to their COVID-19 vaccination and evidence of COVID-19 vaccination. The private operator or air carrier must also notify every person that they may be denied permission to board the aircraft and may be liable to a fine if this requirement applies to them and they fail to comply with it.

False confirmation

(4) A private operator or air carrier operating a flight between two points in Canada or a flight to Canada departing from any other country must notify every person boarding the aircraft for the flight that they may be liable to a monetary penalty if they provide a confirmation referred to in subsection 3(1) that they know to be false or misleading.

Definitions

(5) The following definitions apply in this section.

quarantine officer means a person designated as a quarantine officer under subsection 5(2) of the *Quarantine Act*. (*agent de quarantaine*)

screening officer has the same meaning as in section 2 of the *Quarantine Act*. (*agent de contrôle*)

Confirmation

Federal, provincial and territorial measures

3 (1) Before boarding an aircraft for a flight between two points in Canada or a flight to Canada departing from any other country, every person must confirm to the private operator or air carrier operating the flight that they understand that they may be subject to a measure to prevent the spread of COVID-19 taken by the provincial or territorial government with jurisdiction where the destination aerodrome for that flight is located or by the federal government.

False confirmation

(2) A person must not provide a confirmation referred to in subsection (1) that they know to be false or misleading.

Exception

(3) A competent adult may provide a confirmation referred to in subsection (1) on behalf of a person who is not a competent adult.

Prohibition

4 A private operator or air carrier operating a flight between two points in Canada or a flight to Canada departing from any other country must not permit a person to board the aircraft for the flight if the person is a competent adult and does not provide a confirmation that they are required to provide under subsection 3(1).

Foreign Nationals

Prohibition

5 A private operator or air carrier must not permit a foreign national to board an aircraft for a flight that the private operator or air carrier operates to Canada departing from any other country.

Exception

6 Section 5 does not apply to a foreign national who is permitted to enter Canada under an order made under section 58 of the *Quarantine Act*.

Health Check

Non-application

7 Sections 8 to 10 do not apply to either of the following persons:

- (a) a crew member;
- (b) a person who provides a medical certificate certifying that any symptoms referred to in subsection 8(1) that they are exhibiting are not related to COVID-19.

Health check

8 (1) A private operator or air carrier must conduct a health check of every person boarding an aircraft for a flight that the private operator or air carrier operates by asking questions to verify whether they exhibit any of the following symptoms:

- (a) a fever;
- (b) a cough;
- (c) breathing difficulties.

Notification

(2) A private operator or air carrier must notify every person boarding an aircraft for a flight that the private operator or air carrier operates that the person may be denied permission to board the aircraft if

- (a) they exhibit a fever and a cough or a fever and breathing difficulties, unless they provide a medical certificate certifying that their symptoms are not related to COVID-19;
- (b) they have, or have reasonable grounds to suspect that they have, COVID-19;
- (c) they have been denied permission to board an aircraft in the previous 14 days for a medical reason related to COVID-19; or
- (d) in the case of a flight departing in Canada, they are the subject of a mandatory quarantine order as a result of recent travel or as a result of a local or provincial public health order.

Confirmation

(3) Every person boarding an aircraft for a flight that a private operator or air carrier operates must confirm to the private operator or air carrier that none of the following situations apply to them:

- (a) the person has, or has reasonable grounds to suspect that they have, COVID-19;
- (b) the person has been denied permission to board an aircraft in the previous 14 days for a medical reason related to COVID-19;
- (c) in the case of a flight departing in Canada, the person is the subject of a mandatory quarantine order as a result of recent travel or as a result of a local or provincial public health order.

False confirmation — obligation of private operator or air carrier

(4) The private operator or air carrier must advise every person that they may be liable to a monetary penalty if they provide answers, with respect to the health check or a confirmation, that they know to be false or misleading.

False confirmation — obligations of person

(5) A person who, under subsections (1) and (3), is subjected to a health check and is required to provide a confirmation must

- (a) answer all questions; and
- (b) not provide answers or a confirmation that they know to be false or misleading.

Exception

(6) A competent adult may answer all questions and provide a confirmation on behalf of a person who is not a competent adult and who, under subsections (1) and (3), is subjected to a health check and is required to give a confirmation.

Observations — private operator or air carrier

(7) During the boarding process for a flight that the private operator or air carrier operates, the private operator or air carrier must observe whether any person boarding the aircraft is exhibiting any symptoms referred to in subsection (1).

Prohibition

9 A private operator or air carrier must not permit a person to board an aircraft for a flight that the private operator or air carrier operates if

- (a) the person's answers to the health check questions indicate that they exhibit
 - (i) a fever and cough, or
 - (ii) a fever and breathing difficulties;
- (b) the private operator or air carrier observes that, as the person is boarding, they exhibit
 - (i) a fever and cough, or
 - (ii) a fever and breathing difficulties;
- (c) the person's confirmation under subsection 8(3) indicates that one of the situations described in paragraphs 8(3)(a), (b) or (c) applies to that person; or
- (d) the person is a competent adult and refuses to answer any of the questions asked of them under subsection 8(1) or to give the confirmation under subsection 8(3).

Period of 14 days

10 A person who is not permitted to board an aircraft under section 9 is not permitted to board another aircraft for a period of 14 days after the denial, unless they provide a medical certificate certifying that any symptoms referred to in subsection 8(1) that they are exhibiting are not related to COVID-19.

COVID-19 Molecular Test — Flights to Canada

Application

11 (1) Sections 12 to 17 apply to a private operator or air carrier operating a flight to Canada departing from any other country and to every person boarding an aircraft for such a flight.

Non-application

(2) Sections 12 to 17 do not apply to persons who are not required under an order made under section 58 of the *Quarantine Act* to provide evidence that they received a result for a COVID-19 molecular test.

Notification

12 A private operator or air carrier must notify every person who intends to board an aircraft for a flight that the private operator or air carrier operates that the person may be denied permission to board the aircraft if they are unable to provide evidence that they received a result for a COVID-19 molecular test.

Evidence — result of test

13 (1) Before boarding an aircraft for a flight, every person must provide to the private operator or air carrier operating the flight evidence that they received either

(a) a negative result for a COVID-19 molecular test that was performed on a specimen collected no more than 72 hours before the flight's initial scheduled departure time; or

(b) a positive result for such a test that was performed on a specimen collected at least 14 days and no more than 180 days before the flight's initial scheduled departure time.

December 21, 2021 at 00:01:00 EST — location of test

(1.1) Beginning on December 21, 2021 at 00:01:00 Eastern Standard Time, the COVID-19 molecular test referred to in paragraph (1)(a) must be performed outside Canada.

Evidence — location of test

(2) For the purposes of subsections (1) and (1.1), the COVID-19 molecular test must not have been performed in a country that is listed in Schedule 1 or in a country where, as determined by the Chief Public Health Officer, there is an outbreak of the Omicron variant or there is a risk of an outbreak of that variant.

Evidence — alternative testing protocol

13.1 Despite subsections 13(1) and (1.1), a person referred to in section 2.22 of the Order entitled *Minimizing the Risk of Exposure to COVID-19 in Canada Order (Quarantine, Isolation and Other Obligations)* must, before boarding an aircraft for a flight, provide to the private operator or air carrier operating the flight evidence of a COVID-19 molecular test that was carried out in accordance with an alternative testing protocol referred to in that section.

Evidence — elements

14 Evidence of a result for a COVID-19 molecular test must include

(a) the person's name and date of birth;

(b) the name and civic address of the laboratory that administered the test;

(c) the date the specimen was collected and the test method used; and

(d) the test result.

False or misleading evidence

15 A person must not provide evidence of a result for a COVID-19 molecular test that they know to be false or misleading.

Notice to Minister

16 A private operator or air carrier that has reason to believe that a person has provided evidence of a result for a COVID-19 molecular test that is likely to be false or misleading must notify the Minister as soon as feasible of the person's name and contact information and the date and number of the person's flight.

Prohibition

17 A private operator or air carrier must not permit a person to board an aircraft for a flight that the private operator or air carrier operates if the person does not provide evidence that they received a result for a COVID-19 molecular test in accordance with the requirements set out in section 13 or 13.1.

Vaccination — Flights Departing from an Aerodrome in Canada

Application

17.1 (1) Sections 17.2 to 17.17 apply to all of the following persons:

- (a) a person boarding an aircraft for a flight that an air carrier operates departing from an aerodrome listed in Schedule 2;
- (b) a person entering a restricted area at an aerodrome listed in Schedule 2 from a non-restricted area to board an aircraft for a flight that an air carrier operates;
- (c) an air carrier operating a flight departing from an aerodrome listed in Schedule 2.

Non-application

(2) Sections 17.2 to 17.17 do not apply to any of the following persons:

- (a) a child who is less than 12 years and four months of age;
- (b) a crew member;
- (c) a person entering a restricted area at an aerodrome listed in Schedule 2 from a non-restricted area to board an aircraft for a flight operated by an air carrier
 - (i) only to become a crew member on board another aircraft operated by an air carrier,
 - (ii) after having been a crew member on board an aircraft operated by an air carrier, or
 - (iii) to participate in mandatory training required by an air carrier in relation to the operation of an aircraft, if the person will be required to return to work as a crew member;

(d) a person who arrives at an aerodrome from any other country on board an aircraft in order to transit to another country and remains in a *sterile transit area*, as defined in section 2 of the *Immigration and Refugee Protection Regulations*, of the aerodrome until they leave Canada;

(e) a person who arrives at an aerodrome on board an aircraft following the diversion of their flight for a safety-related reason, such as adverse weather or an equipment malfunction, and who boards an aircraft for a flight not more than 24 hours after the arrival time of the diverted flight.

Notification

17.2 An air carrier must notify every person who intends to board an aircraft for a flight that the air carrier operates that

(a) they must be a fully vaccinated person or a person referred to in any of paragraphs 17.3(2)(a) to (c) or any of subparagraphs 17.3(2)(d)(i) to (iv) or (e)(i) to (vii);

(b) they must provide to the air carrier evidence of COVID-19 vaccination demonstrating that they are a fully vaccinated person or evidence that they are a person referred to in any of paragraphs 17.3(2)(a) to (c) or any of subparagraphs 17.3(2)(d)(i) to (iv) or (e)(i) to (vii); and

(c) if they submit a request referred to in section 17.4, they must do so within the period set out in subsection 17.4(3).

Prohibition — person

17.3 (1) A person is prohibited from boarding an aircraft for a flight or entering a restricted area unless they are a fully vaccinated person.

Exception

(2) Subsection (1) does not apply to

(a) a foreign national, other than a person registered as an Indian under the *Indian Act*, who is boarding the aircraft for a flight to an aerodrome in Canada if the initial scheduled departure time of that flight is not more than 24 hours after the departure time of a flight taken by the person to Canada from any other country;

(b) a permanent resident who is boarding the aircraft for a flight to an aerodrome in Canada if the initial scheduled departure time of that flight is not more than 24 hours after the departure time of a flight taken by the person to Canada from any other country for the purpose of entering Canada to become a permanent resident;

(c) a foreign national who is boarding an aircraft for a flight to a country other than Canada or to an aerodrome in Canada for the purpose of boarding an aircraft for a flight to a country other than Canada and who has received either

(i) a negative result for a COVID-19 molecular test that was performed on a specimen collected no more than 72 hours before the flight's initial scheduled departure time, or

(ii) a positive result for such a test that was performed on a specimen collected at least 14 days and no more than 180 days before the flight's initial scheduled departure time;

(d) a person who has received a result for a COVID-19 molecular test described in subparagraph (c)(i) or (ii) and who is

(i) a person who has not completed a COVID-19 vaccine dosage regimen due to a medical contraindication and who is entitled to be accommodated on that basis under applicable legislation by being permitted to enter the restricted area or to board an aircraft without being a fully vaccinated person,

(ii) a person who has not completed a COVID-19 vaccine dosage regimen due to a sincerely held religious belief and who is entitled to be accommodated on that basis under applicable legislation by being permitted to enter the restricted area or to board an aircraft without being a fully vaccinated person,

(iii) a person who is boarding an aircraft for a flight for the purpose of attending an appointment for an essential medical service or treatment, or

(iv) a competent person who is at least 18 years old and who is boarding an aircraft for a flight for the purpose of accompanying a person referred to in subparagraph (iii) if the person needs to be accompanied because they

(A) are under the age of 18 years,

(B) have a disability, or

(C) need assistance to communicate; or

(e) a person who has received a result for a COVID-19 molecular test described in subparagraph (c)(i) or (ii) and who is boarding an aircraft for a flight for a purpose other than an optional or discretionary purpose, such as tourism, recreation or leisure, and who is

(i) a person who entered Canada at the invitation of the Minister of Health for the purpose of assisting in the COVID-19 response,

(ii) a person who is permitted to work in Canada as a provider of emergency services under paragraph 186(t) of the *Immigration and Refugee Protection Regulations* and who entered Canada for the purpose of providing those services,

(iii) a person who entered Canada not more than 90 days before the day on which this Interim Order came into effect and who, at the time they sought to enter Canada,

(A) held a permanent resident visa issued under subsection 139(1) of the *Immigration and Refugee Protection Regulations*, and

(B) was recognized as a Convention refugee or a person in similar circumstances to those of a Convention refugee within the meaning of subsection 146(1) of the *Immigration and Refugee Protection Regulations*,

(iv) a person who has been issued a temporary resident permit within the meaning of subsection 24(1) of the *Immigration and Refugee Protection Act* and who entered Canada not more than 90 days before the day on which this Interim Order came into effect as a protected temporary resident under subsection 151.1(2) of the *Immigration and Refugee Protection Regulations*,

(v) an accredited person,

(vi) a person holding a D-1, O-1 or C-1 visa who entered Canada to take up a post and become an accredited person, or

(vii) a diplomatic or consular courier.

Persons — subparagraphs 17.3(2)(d)(i) to (iv)

17.4 (1) An air carrier must issue a document to a person referred to in any of subparagraphs 17.3(2)(d)(i) to (iv) who intends to board an aircraft for a flight that the air carrier operates or that is operated on the air carrier's behalf under a commercial agreement if

(a) in the case of a person referred to in any of subparagraphs 17.3(2)(d)(i) to (iii), the person submits a request to the air carrier in respect of that flight in accordance with subsections (2) and (3) or such a request is submitted on their behalf;

(b) in the case of a person referred to in subparagraph 17.3(2)(d)(i) or (ii), the air carrier is obligated to accommodate the person on the basis of a medical contraindication or a sincerely held religious belief under applicable legislation by issuing the document; and

(c) in the case of a person referred to in subparagraph 17.3(2)(d)(iv), the person who needs accompaniment submits a request to the air carrier in respect of that flight in accordance with subsections (2) and (3) or such a request is submitted on their behalf.

Request — contents

(2) The request must be signed by the requester and include the following:

(a) the person's name and home address and, if the request is made by someone else on the person's behalf, that person's name and home address;

(b) the date and number of the flight as well as the aerodrome of departure and the aerodrome of arrival;

(c) in the case of a person described in subparagraph 17.3(2)(d)(i),

(i) a document issued by the government of a province confirming that the person cannot complete a COVID-19 vaccination regimen due to a medical condition, or

(ii) a medical certificate signed by a medical doctor or nurse practitioner who is licensed to practise in Canada certifying that the person cannot complete a COVID-19 vaccination regimen due to a medical condition and the licence number issued by a professional medical licensing body to the medical doctor or nurse practitioner;

(d) in the case of a person described in subparagraph 17.3(2)(d)(ii), a statement sworn or affirmed by the person before a person appointed as a commissioner of oaths in Canada attesting that the person has not completed a COVID-19 vaccination regimen due to a sincerely held religious belief, including a description of how the belief renders them unable to complete such a regimen; and

(e) in the case of a person described in subparagraph 17.3(2)(d)(iii), a document that includes

(i) the signature of a medical doctor or nurse practitioner who is licensed to practise in Canada,

(ii) the licence number issued by a professional medical licensing body to the medical doctor or nurse practitioner,

(iii) the date of the appointment for the essential medical service or treatment and the location of the appointment,

(iv) the date on which the document was signed, and

(v) if the person needs to be accompanied by a person referred to in subparagraph 17.3(2)(d)(iv), the name and contact information of that person and the reason that the accompaniment is needed.

Timing of request

(3) The request must be submitted to the air carrier

(a) in the case of a person referred to in subparagraph 17.3(2)(d)(i) or (ii), 21 days before the day on which the flight is initially scheduled to depart; and

(b) in the case of a person referred to in subparagraph 17.3(2)(d)(iii) or (iv), 14 days before the day on which the flight is initially scheduled to depart.

Special circumstances

(4) In special circumstances, an air carrier may issue the document referred to in subsection (1) in response to a request submitted after the period referred to in subsection (3).

Content of document

(5) The document referred to in subsection (1) must include

(a) a confirmation that the air carrier has verified that the person is a person referred to in any of subparagraphs 17.3(2)(d)(i) to (iv); and

(b) the date and number of the flight as well as the aerodrome of departure and the aerodrome of arrival.

Record keeping

17.5 (1) An air carrier must keep a record of the following information:

- (a) the number of requests that the air carrier has received in respect of each exception referred to in subparagraphs 17.3(2)(d)(i) to (iv);
- (b) the number of documents issued under subsection 17.4(1); and
- (c) the number of requests that the air carrier denied.

Retention

(2) An air carrier must retain the record for a period of at least 12 months after the day on which the record was created.

Ministerial request

(3) The air carrier must make the record available to the Minister on request.

Copies of requests

17.6 (1) An air carrier must keep a copy of a request for a period of at least 90 days after the day on which the air carrier issued a document under subsection 17.4(1) or refused to issue the document.

Ministerial request

(2) The air carrier must make the copy available to the Minister on request.

Request for evidence — air carrier

17.7 Before permitting a person to board an aircraft for a flight that the air carrier operates, the air carrier must request that the person provide

- (a) evidence of COVID-19 vaccination demonstrating that they are a fully vaccinated person;
- (b) evidence that they are a person referred to in paragraph 17.3(2)(a) or (b); or
- (c) evidence that they are a person referred to in paragraph 17.3(2)(c) or any of subparagraphs 17.3(2)(d)(i) to (iv) or (e)(i) to (vii) and that they have received a result for a COVID-19 molecular test.

[**17.8** reserved]

Provision of evidence

17.9 A person must, at the request of an air carrier, provide to the air carrier the evidence referred to in paragraph 17.7(a), (b) or (c).

Evidence of vaccination — elements

17.10 (1) Evidence of COVID-19 vaccination must be evidence issued by a non-governmental entity that is authorized to issue the evidence of COVID-19 vaccination in the jurisdiction in

which the vaccine was administered, by a government or by an entity authorized by a government, and must contain the following information:

- (a) the name of the person who received the vaccine;
- (b) the name of the government or of the entity;
- (c) the brand name or any other information that identifies the vaccine that was administered; and
- (d) the dates on which the vaccine was administered or, if the evidence is one document issued for both doses and the document specifies only the date on which the most recent dose was administered, that date.

Evidence of vaccination — translation

(2) The evidence of COVID-19 vaccination must be in English or French and any translation into English or French must be a certified translation.

Evidence of COVID-19 molecular test — result

17.11 (1) A result for a COVID-19 molecular test is a result described in subparagraph 17.3(2)(c)(i) or (ii).

Evidence of COVID-19 molecular test — elements

(2) Evidence of a result for a COVID-19 molecular test must include the elements set out in paragraphs 14(a) to (d).

Person — paragraph 17.3(2)(a)

17.12 (1) Evidence that the person is a person referred to in paragraph 17.3(2)(a) must be

- (a) a travel itinerary or boarding pass that shows that the initial scheduled departure time of the flight to an aerodrome in Canada is not more than 24 hours after the departure time of a flight taken by the person to Canada from any other country; and
- (b) their passport or other travel document issued by their country of citizenship or nationality.

Person — paragraph 17.3(2)(b)

(2) Evidence that the person is a person referred to in paragraph 17.3(2)(b) must be

- (a) a travel itinerary or boarding pass that shows that the initial scheduled departure time of the flight to an aerodrome in Canada is not more than 24 hours after the departure time of the flight taken by the person to Canada from any other country; and
- (b) a document entitled “Confirmation of Permanent Residence” issued by the Department of Citizenship and Immigration that confirms that the person became a permanent resident on entry to Canada after the flight taken by the person to Canada from any other country.

Person — paragraph 17.3(2)(c)

(3) Evidence that the person is a person referred to in paragraph 17.3(2)(c) must be

(a) a travel itinerary or boarding pass that shows that the person is boarding an aircraft for a flight to a country other than Canada or to an aerodrome in Canada for the purpose of boarding an aircraft for a flight to a country other than Canada; and

(b) their passport or other travel document issued by their country of citizenship or nationality.

Person — subparagraphs 17.3(2)(d)(i) to (iv)

(4) Evidence that the person is a person referred to in any of subparagraphs 17.3(2)(d)(i) to (iv) must be a document issued by an air carrier under subsection 17.4(1) in respect of the flight for which the person is boarding the aircraft or entering the restricted area.

Person — subparagraph 17.3(2)(e)(i)

(5) Evidence that the person is a person referred to in subparagraph 17.3(2)(e)(i) must be a document issued by the Minister of Health that indicates that the person was asked to enter Canada for the purpose of assisting in the COVID-19 response.

Person — subparagraph 17.3(2)(e)(ii)

(6) Evidence that the person is a person referred to in subparagraph 17.3(2)(e)(ii) must be a document from a government or non-governmental entity that indicates that the person was asked to enter Canada for the purpose of providing emergency services under paragraph 186(t) of the *Immigration and Refugee Protection Regulations*.

Person — subparagraph 17.3(2)(e)(iii)

(7) Evidence that the person is a person referred to in subparagraph 17.3(2)(e)(iii) must be a document issued by the Department of Citizenship and Immigration that confirms that the person has been recognized as a Convention refugee or a person in similar circumstances to those of a Convention refugee within the meaning of subsection 146(1) of the *Immigration and Refugee Protection Regulations*.

Person — subparagraph 17.3(2)(e)(iv)

(8) Evidence that the person is a person referred to in subparagraph 17.3(2)(e)(iv) must be a document issued by the Department of Citizenship and Immigration that confirms that the person entered Canada as a protected temporary resident under subsection 151.1(2) of the *Immigration and Refugee Protection Regulations*.

Person — subparagraph 17.3(2)(e)(v)

(9) Evidence that the person is a person referred to in subparagraph 17.3(2)(e)(v) must be their passport containing a valid diplomatic, consular, official or special representative acceptance issued by the Chief of Protocol for the Department of Foreign Affairs, Trade and Development.

Person — subparagraph 17.3(2)(e)(vi)

(10) Evidence that the person is a person referred to in subparagraph 17.3(2)(e)(vi) must be the person's D-1, O-1 or C-1 visa.

Person — subparagraph 17.3(2)(e)(vii)

(11) Evidence that the person is a person referred to in subparagraph 17.3(2)(e)(vii) must be

(a) in the case of a diplomatic courier, the official document confirming their status referred to in Article 27 of the Vienna Convention on Diplomatic Relations, as set out in Schedule I to the *Foreign Missions and International Organizations Act*; and

(b) in the case of a consular courier, the official document confirming their status referred to in Article 35 of the Vienna Convention on Consular Relations, as set out in Schedule II to that Act.

False or misleading information

17.13 (1) A person must not submit a request referred to in section 17.4 that contains information that they know to be false or misleading.

False or misleading evidence

(2) A person must not provide evidence that they know to be false or misleading.

Notice to Minister — information

17.14 (1) An air carrier that has reason to believe that a person has submitted a request referred to in section 17.4 that contains information that is likely to be false or misleading must notify the Minister of the following not more than 72 hours after receiving the request:

(a) the person's name and contact information;

(b) the date and number of the person's flight; and

(c) the reason the air carrier believes that the information is likely to be false or misleading.

Notice to Minister — evidence

(2) An air carrier that has reason to believe that a person has provided evidence that is likely to be false or misleading must notify the Minister of the following not more than 72 hours after the provision of the evidence:

(a) the person's name and contact information;

(b) the date and number of the person's flight; and

(c) the reason the air carrier believes that the evidence is likely to be false or misleading.

Prohibition — air carrier

17.15 An air carrier must not permit a person to board an aircraft for a flight that the air carrier operates if the person does not provide the evidence they are required to provide under section 17.9.

[**17.16** reserved]

Record keeping — air carrier

17.17 (1) An air carrier must keep a record of the following information in respect of a person each time the person is denied permission to board an aircraft for a flight under section 17.15:

- (a) the person's name and contact information, including the person's home address, telephone number and email address;
- (b) the date and flight number;
- (c) the reason why the person was denied permission to board the aircraft; and
- (d) whether the person had been issued a document under subsection 17.4(1) in respect of the flight.

Retention

(2) The air carrier must retain the record for a period of at least 12 months after the date of the flight.

Ministerial request

(3) The air carrier must make the record available to the Minister on request.

[**17.18** and **17.19** reserved]

Policy Respecting Mandatory Vaccination

Application

17.20 Sections 17.21 to 17.25 apply to

- (a) the operator of an aerodrome listed in Schedule 2;
- (b) an air carrier operating a flight departing from an aerodrome listed in Schedule 2, other than an air carrier who operates a commercial air service under Subpart 1 of Part VII of the Regulations; and
- (c) NAV CANADA.

Definition of *relevant person*

17.21 (1) For the purposes of sections 17.22 to 17.25, **relevant person**, in respect of an entity referred to in section 17.20, means a person whose duties involve an activity described in subsection (2) and who is

- (a) an employee of the entity;
- (b) an employee of the entity's contractor or agent or mandatary;
- (c) a person hired by the entity to provide a service;
- (d) the entity's lessee or an employee of the entity's lessee, if the property that is subject to the lease is part of aerodrome property; or
- (e) a person permitted by the entity to access aerodrome property or, in the case of NAV CANADA, a location where NAV CANADA provides civil air navigation services.

Activities

(2) For the purposes of subsection (1), the activities are

- (a) conducting or directly supporting activities that are related to aerodrome operations or commercial flight operations — such as aircraft refuelling services, aircraft maintenance and repair services, baggage handling services, supply services for the operator of an aerodrome, an air carrier or NAV CANADA, fire prevention services, runway and taxiway maintenance services or de-icing services — and that take place on aerodrome property or at a location where NAV CANADA provides civil air navigation services;
- (b) interacting in-person on aerodrome property with a person who intends to board an aircraft for a flight;
- (c) engaging in tasks, on aerodrome property or at a location where NAV CANADA provides civil air navigation services, that are intended to reduce the risk of transmission of the virus that causes COVID-19; and
- (d) accessing a restricted area at an aerodrome listed in Schedule 2.

Comprehensive policy — operators of aerodromes

17.22 (1) The operator of an aerodrome must establish and implement a comprehensive policy respecting mandatory COVID-19 vaccination in accordance with subsection (2).

Policy — content

(2) The policy must

- (a) require that a person who is 12 years and four months of age or older be a fully vaccinated person before accessing aerodrome property, unless they are a person
 - (i) who intends to board an aircraft for a flight that an air carrier operates,

- (ii) who does not intend to board an aircraft for a flight and who is accessing aerodrome property for leisure purposes or to accompany a person who intends to board an aircraft for a flight,
 - (iii) who is the holder of an employee identification document issued by a department or departmental corporation listed in Schedule 3 or a member identification document issued by the Canadian Forces, or
 - (iv) who is delivering equipment or providing services within a restricted area that are urgently needed and critical to aerodrome operations and who has obtained an authorization from the operator of the aerodrome before doing so;
- (b) despite paragraph (a), allow a person who is subject to the policy and who is not a fully vaccinated person to access aerodrome property if the person
 - (i) has not completed a COVID-19 vaccine dosage regimen due to a medical contraindication or their sincerely held religious belief, or
 - (ii) received the first dose of a COVID-19 vaccine dosage regimen before November 15, 2021;
- (c) provide for a procedure for verifying evidence provided by a person referred to in paragraph (b) that demonstrates that the person
 - (i) has not completed a COVID-19 vaccine dosage regimen due to a medical contraindication or their sincerely held religious belief, or
 - (ii) received the first dose of a COVID-19 vaccine dosage regimen before November 15, 2021;
- (d) provide for a procedure for issuing to a person whose evidence has been verified under the procedure referred to in paragraph (c) a document confirming that they are a person referred to in subparagraph (b)(i) or (ii);
- (e) provide for a procedure that ensures that a person subject to the policy provides, on request, the following evidence before accessing aerodrome property:
 - (i) in the case of a fully vaccinated person, the evidence of COVID-19 vaccination referred to in section 17.10, and
 - (ii) in the case of a person referred to in paragraph (d), the document issued to the person under the procedure referred to in that paragraph;
- (f) provide for a procedure that allows a person to whom sections 17.31 to 17.40 apply — other than a person referred to in subsection 17.34(2) — who is a fully vaccinated person or a person referred to in subparagraph (b)(i) or (ii) and who is unable to provide the evidence referred to in paragraph (e) to temporarily access aerodrome property if they provide a declaration confirming that they are a fully vaccinated person or that they have been issued a document under the procedure referred to in paragraph (d);

(g) provide for a procedure that ensures that a person referred to in paragraph (d) is tested for COVID-19 at least twice every week;

(h) provide for a procedure that ensures that a person who receives a positive result for a COVID-19 test, other than a COVID-19 molecular test, under the procedure referred to in paragraph (g) receives a result for a COVID-19 molecular test;

(i) provide for a procedure that ensures that a person who receives a positive result for a COVID-19 molecular test under the procedure referred to in paragraph (g) or (h) is prohibited from accessing aerodrome property for a period of 14 days after the result was received or until the person is not exhibiting any of the symptoms referred to in subsection 8(1), whichever is later; and

(j) provide for a procedure that ensures that a person referred to in paragraph (i) is exempt from the requirement referred to in paragraph (g) for a period of 180 days after the person received a positive result for a COVID-19 molecular test.

Medical contraindication

(3) For the purposes of subparagraph (2)(c)(i) and paragraph (2)(d), the policy must provide that a document is to be issued to a person confirming that they did not complete a COVID-19 vaccine dosage regimen on the basis of a medical contraindication only if they provide a medical certificate from a medical doctor or nurse practitioner who is licensed to practise in Canada certifying that the person cannot complete a COVID-19 vaccination regimen due to a medical condition and specifying whether the condition is permanent or temporary.

Religious belief

(4) For the purposes of subparagraph (2)(c)(i) and paragraph (2)(d), the policy must provide that a document is to be issued to a person confirming that they did not complete a COVID-19 vaccine dosage regimen on the basis of their sincerely held religious belief only if they submit a statement sworn or affirmed by them attesting that they have not completed a COVID-19 vaccination regimen due to their sincerely held religious belief.

Canadian Human Rights Act

(5) For the purposes of subparagraph (2)(c)(i) and paragraph (2)(d), in the case of an employee of the operator of an aerodrome or a person hired by the operator of an aerodrome to provide a service, the policy must provide that a document is to be issued to the employee or person confirming that they did not complete a COVID-19 vaccine dosage regimen on the basis of their sincerely held religious belief only if the operator of the aerodrome is obligated to accommodate them on that basis under the *Canadian Human Rights Act* by issuing such a document.

Applicable legislation

(6) For the purposes of subparagraph (2)(c)(i) and paragraph (2)(d), in the following cases, the policy must provide that a document is to be issued to the employee confirming that they did not complete a COVID-19 vaccine dosage regimen on the basis of their sincerely held religious

belief only if they would be entitled to such an accommodation on that basis under applicable legislation:

- (a) in the case of an employee of the operator of an aerodrome's contractor or agent or mandatary; and
- (b) in the case of an employee of the operator of an aerodrome's lessee, if the property that is subject to the lease is part of aerodrome property.

Comprehensive policy — air carriers and NAV CANADA

17.23 Section 17.24 does not apply to an air carrier or NAV CANADA if that entity

- (a) establishes and implements a comprehensive policy respecting mandatory COVID-19 vaccination in accordance with paragraphs 17.24(2)(a) to (i) and subsections 17.24(3) to (6); and
- (b) has procedures in place to ensure that while a relevant person is carrying out their duties related to commercial flight operations, no in-person interactions occur between the relevant person and an unvaccinated person who has not been issued a document under the procedure referred to in paragraph 17.24(2)(d) and who is
 - (i) an employee of the entity,
 - (ii) an employee of the entity's contractor or agent or mandatary,
 - (iii) a person hired by the entity to provide a service, or
 - (iv) the entity's lessee or an employee of the entity's lessee, if the property that is subject to the lease is part of aerodrome property.

Targeted policy — air carriers and NAV CANADA

17.24 (1) An air carrier or NAV CANADA must establish and implement a targeted policy respecting mandatory COVID-19 vaccination in accordance with subsection (2).

Policy — content

(2) The policy must

- (a) require that a relevant person, other than the holder of an employee identification document issued by a department or departmental corporation listed in Schedule 3 or a member identification document issued by the Canadian Forces, be a fully vaccinated person before accessing aerodrome property or, in the case of NAV CANADA, a location where NAV CANADA provides civil air navigation services;
- (b) despite paragraph (a), allow a relevant person who is subject to the policy and who is not a fully vaccinated person to access aerodrome property or, in the case of NAV CANADA, a location where NAV CANADA provides civil air navigation services, if the relevant person

- (i) has not completed a COVID-19 vaccine dosage regimen due to a medical contraindication or their sincerely held religious belief, or
 - (ii) received the first dose of a COVID-19 vaccine dosage regimen before November 15, 2021;
- (c) provide for a procedure for verifying evidence provided by a relevant person referred to in paragraph (b) that demonstrates that the relevant person
 - (i) has not completed a COVID-19 vaccine dosage regimen due to a medical contraindication or their sincerely held religious belief, or
 - (ii) received the first dose of a COVID-19 vaccine dosage regimen before November 15, 2021;
- (d) provide for a procedure for issuing to a relevant person whose evidence has been verified under the procedure referred to in paragraph (c) a document confirming that they are a relevant person referred to in subparagraph (b)(i) or (ii);
- (e) provide for a procedure that ensures that a relevant person subject to the policy provides, on request, the following evidence before accessing aerodrome property:
 - (i) in the case of a fully vaccinated person, the evidence of COVID-19 vaccination referred to in section 17.10, and
 - (ii) in the case of a relevant person referred to in paragraph (d), the document issued to the relevant person under the procedure referred to in that paragraph;
- (f) provide for a procedure that ensures that a relevant person referred to in paragraph (d) is tested for COVID-19 at least twice every week;
- (g) provide for a procedure that ensures that a relevant person who receives a positive result for a COVID-19 test, other than a COVID-19 molecular test, under the procedure referred to in paragraph (f) receives a result for a COVID-19 molecular test;
- (h) provide for a procedure that ensures that a relevant person who receives a positive result for a COVID-19 molecular test under the procedure referred to in paragraph (f) or (g) is prohibited from accessing aerodrome property for a period of 14 days after the result was received or until the relevant person is not exhibiting any of the symptoms referred to in subsection 8(1), whichever is later;
- (i) provide for a procedure that ensures that a relevant person referred to in paragraph (h) is exempt from the requirement referred to in paragraph (f) for a period of 180 days after the relevant person received a positive result for a COVID-19 molecular test;
- (j) set out procedures for reducing the risk that a relevant person will be exposed to the virus that causes COVID-19 due to an in-person interaction, occurring on aerodrome property or at a location where NAV CANADA provides civil air navigation services, with an unvaccinated person who has not been issued a document under the procedure referred to in paragraph (d)

and who is a person referred to in any of subparagraphs 17.23(b)(i) to (iv), which procedures may include protocols related to

- (i) the vaccination of persons, other than relevant persons, who access aerodrome property or a location where NAV CANADA provides civil air navigation services,
 - (ii) physical distancing and the wearing of masks, and
 - (iii) reducing the frequency and duration of in-person interactions;
- (k) establish a procedure for collecting the following information with respect to an in-person interaction related to commercial flight operations between a relevant person and a person referred to in any of subparagraphs 17.23(b)(i) to (iv) who is unvaccinated and has not been issued a document under the procedure referred to in paragraph (d) or whose vaccination status is unknown:
- (i) the time, date and location of the interaction, and
 - (ii) contact information for the relevant person and the other person;
- (l) establish a procedure for recording the following information and submitting it to the Minister on request:
- (i) the number of relevant persons who are subject to the entity's policy,
 - (ii) the number of relevant persons who require access to a restricted area,
 - (iii) the number of relevant persons who
 - (A) are fully vaccinated persons,
 - (B) have received the first dose of a COVID-19 vaccine dosage regimen, and
 - (C) are unvaccinated persons,
 - (iv) the number of hours during which relevant persons were unable to fulfill their duties related to commercial flight operations due to COVID-19,
 - (v) the number of relevant persons who have been issued a document under the procedure referred to in paragraph (d), the reason for issuing the document and a confirmation that the relevant persons have submitted evidence of COVID-19 tests in accordance with the requirements referred to in paragraphs (f) and (g),
 - (vi) the number of relevant persons who refuse to comply with a requirement referred to in paragraph (a), (f), (g) or (h),
 - (vii) the number of relevant persons who were denied entry to a restricted area because of a refusal to comply with a requirement referred to in paragraph (a), (f), (g) or (h),
 - (viii) the number of persons referred to in subparagraphs 17.23(b)(i) to (iv) who are unvaccinated and who have not been issued a document under the procedure referred to in

paragraph (d), or whose vaccination status is unknown, who have an in-person interaction related to commercial flight operations with a relevant person and a description of any procedures implemented to reduce the risk that a relevant person will be exposed to the virus that causes COVID-19 due to such an interaction, and

(ix) the number of instances in which the air carrier or NAV CANADA, as applicable, is made aware that a person with respect to whom information was collected under paragraph (k) received a positive result for a COVID-19 test, the number of relevant persons tested for COVID-19 as a result of this information, the results of those tests and a description of any impacts on commercial flight operations; and

(m) require the air carrier or NAV CANADA, as applicable, to keep the information referred to in paragraph (l) for a period of at least 12 months after the date that the information was recorded.

Medical contraindication

(3) For the purposes of subparagraph (2)(c)(i) and paragraph (2)(d), the policy must provide that a document is to be issued to a relevant person confirming that they did not complete a COVID-19 vaccine dosage regimen on the basis of a medical contraindication only if they provide a medical certificate from a medical doctor or nurse practitioner who is licensed to practise in Canada certifying that the relevant person cannot complete a COVID-19 vaccination regimen due to a medical condition and specifying whether the condition is permanent or temporary.

Religious belief

(4) For the purposes of subparagraph (2)(c)(i) and paragraph (2)(d), the policy must provide that a document is to be issued to a relevant person confirming that they did not complete a COVID-19 vaccine dosage regimen on the basis of their sincerely held religious belief only if they submit a statement sworn or affirmed by them attesting that they have not completed a COVID-19 vaccination regimen due to their sincerely held religious belief.

Canadian Human Rights Act

(5) For the purposes of subparagraph (2)(c)(i) and paragraph (2)(d), in the case of an employee of an entity or a relevant person hired by an entity to provide a service, the policy must provide that a document is to be issued to the employee or the relevant person confirming that they did not complete a COVID-19 vaccine dosage regimen on the basis of their sincerely held religious belief only if the entity is obligated to accommodate the relevant person on that basis under the *Canadian Human Rights Act* by issuing such a document.

Applicable legislation

(6) For the purposes of subparagraph (2)(c)(i) and paragraph (2)(d), in the following cases, the policy must provide that a document is to be issued to the employee confirming that they did not complete a COVID-19 vaccine dosage regimen on the basis of their sincerely held religious belief only if they would be entitled to such an accommodation on that basis under applicable legislation:

- (a) in the case of an employee of an entity's contractor or agent or mandatary; and
- (b) in the case of an employee of an entity's lessee, if the property that is subject to the lease is part of aerodrome property.

Ministerial request — policy

17.25 (1) The operator of an aerodrome, an air carrier or NAV CANADA must make a copy of the policy referred to in section 17.22, 17.23 or 17.24, as applicable, available to the Minister on request.

Ministerial request — implementation

(2) The operator of an aerodrome, an air carrier or NAV CANADA must make information related to the implementation of the policy referred to in section 17.22, 17.23 or 17.24, as applicable, available to the Minister on request.

[17.26 to 17.29 reserved]

Vaccination — Aerodromes in Canada

Application

17.30 (1) Sections 17.31 to 17.40 apply to all of the following persons:

- (a) subject to paragraph (c), a person entering a restricted area at an aerodrome listed in Schedule 2 from a non-restricted area for a reason other than to board aircraft for a flight operated by an air carrier;
- (b) a crew member entering a restricted area at an aerodrome listed in Schedule 2 from a non-restricted area to board an aircraft for a flight operated by an air carrier under Subpart 3, 4 or 5 of Part VII of the Regulations;
- (c) a person entering a restricted area at an aerodrome listed in Schedule 2 from a non-restricted area to board an aircraft for a flight
 - (i) only to become a crew member on board another aircraft operated by an air carrier under Subpart 3, 4 or 5 of Part VII of the Regulations,
 - (ii) after having been a crew member on board an aircraft operated by an air carrier under Subpart 3, 4 or 5 of Part VII of the Regulations, or
 - (iii) to participate in mandatory training required by an air carrier in relation to the operation of an aircraft operated under Subpart 3, 4 or 5 of Part VII of the Regulations, if the person will be required to return to work as a crew member;
- (d) a screening authority at an aerodrome where persons other than passengers are screened or can be screened;

(e) the operator of an aerodrome listed in Schedule 2.

Non-application

(2) Sections 17.31 to 17.40 do not apply to any of the following persons:

- (a) a child who is less than 12 years and four months of age;
- (b) a person who arrives at an aerodrome on board an aircraft following the diversion of their flight for a safety-related reason, such as adverse weather or an equipment malfunction, and who enters a restricted area to board an aircraft for a flight not more than 24 hours after the arrival time of the diverted flight;
- (c) a member of emergency response provider personnel who is responding to an emergency;
- (d) a peace officer who is responding to an emergency;
- (e) the holder of an employee identification document issued by a department or departmental corporation listed in Schedule 3 or a member identification document issued by the Canadian Forces; or
- (f) a person who is delivering equipment or providing services within a restricted area that are urgently needed and critical to aerodrome operations and who has obtained an authorization from the operator of the aerodrome before doing so.

Prohibition

17.31 (1) A person must not enter a restricted area unless they are a fully vaccinated person.

Exception

(2) Subsection (1) does not apply to a person who has been issued a document under the procedure referred to in paragraph 17.22(2)(d) or 17.24(2)(d).

Provision of evidence

17.32 A person must provide to a screening authority or the operator of an aerodrome, on their request,

- (a) in the case of a fully vaccinated person, the evidence of COVID-19 vaccination referred to in section 17.10; and
- (b) in the case of a person who has been issued a document under the procedure referred to in paragraph 17.22(2)(d) or 17.24(2)(d), the document issued to the person.

Request for evidence

17.33 Before permitting a certain number of persons, as specified by the Minister and selected on a random basis, to enter a restricted area, the screening authority must request that each of those persons, when they present themselves for screening at a non-passenger screening checkpoint or a passenger screening checkpoint, provide the evidence referred to in paragraph 17.32(a) or (b).

Declaration

17.34 (1) If a person who is a fully vaccinated person or who has been issued a document under the procedure referred to in paragraph 17.22(2)(d) is unable, following a request to provide evidence under section 17.33, to provide the evidence, the person may

- (a) sign a declaration confirming that they are a fully vaccinated person or that they have been issued a document under the procedure referred to in paragraph 17.22(2)(d); or
- (b) if the person has signed a declaration under paragraph (a) no more than seven days before the day on which the request to provide evidence is made, provide that declaration.

Exception

(2) Subsection (1) does not apply to the holder of a document of entitlement that expires within seven days after the day on which the request to provide evidence under section 17.33 is made.

Notification to aerodrome operator

(3) If a person signs a declaration referred to in paragraph (1)(a), the screening authority must notify the operator of the aerodrome as soon as feasible of the person's name, the date on which the declaration was signed and, if applicable, the number or identifier of the person's document of entitlement.

Provision of evidence

(4) A person who signed a declaration under paragraph (1)(a) must provide the evidence referred to in paragraph 17.32(a) or (b) to the operator of the aerodrome within seven days after the day on which the declaration is signed.

Suspension of restricted area access

(5) An operator of an aerodrome must ensure that the restricted area access of a person who does not provide the evidence within seven days as required under subsection (4) is suspended until the person provides the evidence.

Record keeping — suspension

17.35 (1) The operator of the aerodrome must keep a record of the following information in respect of a person each time the restricted area access of the person is suspended under subsection 17.34(5):

- (a) the person's name;
- (b) the number or identifier of the person's document of entitlement, if applicable;
- (c) the date of the suspension; and
- (d) the reason for the suspension.

Retention

(2) The operator must retain the record for a period of at least 12 months after the day on which the record was created.

Ministerial request

(3) The operator of the aerodrome must make the record available to the Minister on request.

Prohibition

17.36 (1) A screening authority must deny a person entry to a restricted area if, following a request to provide evidence under section 17.33, the person does not provide the evidence or, if applicable, does not sign or provide a declaration under subsection 17.34(1).

Notification to aerodrome operator

(2) If a screening authority denies a person entry to a restricted area, it must notify the operator of the aerodrome as soon as feasible of the person's name, the date on which the person was denied entry and, if applicable, the number or identifier of the person's document of entitlement.

Suspension of restricted area access

(3) An operator of an aerodrome must ensure that the restricted area access of a person who was denied entry under subsection (1) is suspended until the person provides the requested evidence or the signed declaration.

False or misleading evidence

17.37 A person must not provide evidence that they know to be false or misleading.

Notice to Minister

17.38 A screening authority or the operator of an aerodrome that has reason to believe that a person has provided evidence that is likely to be false or misleading must notify the Minister of the following not more than 72 hours after the provision of the evidence:

- (a) the person's name;
- (b) the number or identifier of the person's document of entitlement, if applicable; and
- (c) the reason the screening authority or the operator of an aerodrome believes that the evidence is likely to be false or misleading.

Record keeping — denial of entry

17.39 (1) A screening authority must keep a record of the following information in respect of a person each time the person is denied entry to a restricted area under subsection 17.36(1):

- (a) the person's name;
- (b) the number or identifier of the person's document of entitlement, if applicable;

- (c) the date on which the person was denied entry and the location; and
- (d) the reason why the person was denied entry to the restricted area.

Retention

(2) The screening authority must retain the record for a period of at least 12 months after the day on which the record was created.

Ministerial request

(3) The screening authority must make the record available to the Minister on request.

Requirement to establish and implement

17.40 The operator of an aerodrome must ensure that a document of entitlement is only issued to a fully vaccinated person or a person who has been issued a document under the procedure referred to in paragraph 17.22(2)(d).

Masks

Non-application

18 (1) Sections 19 to 24 do not apply to any of the following persons:

- (a) a child who is less than two years of age;
- (b) a child who is at least two years of age but less than six years of age who is unable to tolerate wearing a mask;
- (c) a person who provides a medical certificate certifying that they are unable to wear a mask for a medical reason;
- (d) a person who is unconscious;
- (e) a person who is unable to remove their mask without assistance;
- (f) a crew member;
- (g) a gate agent.

Mask readily available

(2) An adult responsible for a child who is at least two years of age but less than six years of age must ensure that a mask is readily available to the child before boarding an aircraft for a flight.

Wearing of mask

(3) An adult responsible for a child must ensure that the child wears a mask when wearing one is required under section 21 and complies with any instructions given by a gate agent under section 22 if the child

(a) is at least two years of age but less than six years of age and is able to tolerate wearing a mask; or

(b) is at least six years of age.

Notification

19 A private operator or air carrier must notify every person who intends to board an aircraft for a flight that the private operator or air carrier operates that the person must

(a) be in possession of a mask before boarding;

(b) wear the mask at all times during the boarding process, during the flight and from the moment the doors of the aircraft are opened until the person enters the air terminal building; and

(c) comply with any instructions given by a gate agent or a crew member with respect to wearing a mask.

Obligation to possess mask

20 Every person who is at least six years of age must be in possession of a mask before boarding an aircraft for a flight.

Wearing of mask — persons

21 (1) Subject to subsections (2) and (3), a private operator or air carrier must require a person to wear a mask at all times during the boarding process and during a flight that the private operator or air carrier operates.

Exceptions — person

(2) Subsection (1) does not apply

(a) when the safety of the person could be endangered by wearing a mask;

(b) when the person is drinking or eating, unless a crew member instructs the person to wear a mask;

(c) when the person is taking oral medications;

(d) when a gate agent or a crew member authorizes the removal of the mask to address unforeseen circumstances or the person's special needs; or

(e) when a gate agent, a member of the aerodrome security personnel or a crew member authorizes the removal of the mask to verify the person's identity.

Exceptions — flight deck

(3) Subsection (1) does not apply to any of the following persons when they are on the flight deck:

- (a) a Department of Transport air carrier inspector;
- (b) an inspector of the civil aviation authority of the state where the aircraft is registered;
- (c) an employee of the private operator or air carrier who is not a crew member and who is performing their duties;
- (d) a pilot, flight engineer or flight attendant employed by a wholly owned subsidiary or a code share partner of the air carrier;
- (e) a person who has expertise related to the aircraft, its equipment or its crew members and who is required to be on the flight deck to provide a service to the private operator or air carrier.

Compliance

22 A person must comply with any instructions given by a gate agent, a member of the aerodrome security personnel or a crew member with respect to wearing a mask.

Prohibition — private operator or air carrier

23 A private operator or air carrier must not permit a person to board an aircraft for a flight that the private operator or air carrier operates if

- (a) the person is not in possession of a mask; or
- (b) the person refuses to comply with an instruction given by a gate agent or a crew member with respect to wearing a mask.

Refusal to comply

24 (1) If, during a flight that a private operator or air carrier operates, a person refuses to comply with an instruction given by a crew member with respect to wearing a mask, the private operator or air carrier must

- (a) keep a record of
 - (i) the date and flight number,
 - (ii) the person's name, date of birth and contact information, including the person's home address, telephone number and email address,
 - (iii) the person's seat number, and
 - (iv) the circumstances related to the refusal to comply; and
- (b) inform the Minister as soon as feasible of any record created under paragraph (a).

Retention period

(2) The private operator or air carrier must retain the record for a period of at least 12 months after the date of the flight.

Ministerial request

(3) The private operator or air carrier must make the record available to the Minister on request.

Wearing of mask — crew member

25 (1) Subject to subsections (2) and (3), a private operator or air carrier must require a crew member to wear a mask at all times during the boarding process and during a flight that the private operator or air carrier operates.

Exceptions — crew member

(2) Subsection (1) does not apply

- (a) when the safety of the crew member could be endangered by wearing a mask;
- (b) when the wearing of a mask by the crew member could interfere with operational requirements or the safety of the flight; or
- (c) when the crew member is drinking, eating or taking oral medications.

Exception — flight deck

(3) Subsection (1) does not apply to a crew member who is a flight crew member when they are on the flight deck.

Wearing of mask — gate agent

26 (1) Subject to subsections (2) and (3), a private operator or air carrier must require a gate agent to wear a mask during the boarding process for a flight that the private operator or air carrier operates.

Exceptions

(2) Subsection (1) does not apply

- (a) when the safety of the gate agent could be endangered by wearing a mask; or
- (b) when the gate agent is drinking, eating or taking oral medications.

Exception — physical barrier

(3) During the boarding process, subsection (1) does not apply to a gate agent if the gate agent is separated from any other person by a physical barrier that allows the gate agent and the other person to interact and reduces the risk of exposure to COVID-19.

Deplaning

Non-application

27 (1) Section 28 does not apply to any of the following persons:

- (a) a child who is less than two years of age;
- (b) a child who is at least two years of age but less than six years of age who is unable to tolerate wearing a mask;
- (c) a person who provides a medical certificate certifying that they are unable to wear a mask for a medical reason;
- (d) a person who is unconscious;
- (e) a person who is unable to remove their mask without assistance;
- (f) a person who is on a flight that originates in Canada and is destined to another country.

Wearing of mask

(2) An adult responsible for a child must ensure that the child wears a mask when wearing one is required under section 28 if the child

- (a) is at least two years of age but less than six years of age and is able to tolerate wearing a mask; or
- (b) is at least six years of age.

Wearing of mask — person

28 A person who is on board an aircraft must wear a mask at all times from the moment the doors of the aircraft are opened until the person enters the air terminal building, including by a passenger loading bridge.

Screening Authority

Non-application

29 (1) Sections 30 to 33 do not apply to any of the following persons:

- (a) a child who is less than two years of age;
- (b) a child who is at least two years of age but less than six years of age who is unable to tolerate wearing a mask;
- (c) a person who provides a medical certificate certifying that they are unable to wear a mask for a medical reason;
- (d) a person who is unconscious;
- (e) a person who is unable to remove their mask without assistance;

- (f) a member of emergency response provider personnel who is responding to an emergency;
- (g) a peace officer who is responding to an emergency.

Wearing of mask

(2) An adult responsible for a child must ensure that the child wears a mask when wearing one is required under subsection 30(2) and removes it when required by a screening officer to do so under subsection 30(3) if the child

(a) is at least two years of age but less than six years of age and is able to tolerate wearing a mask; or

(b) is at least six years of age.

Requirement — passenger screening checkpoint

30 (1) A screening authority must notify a person who is subject to screening at a passenger screening checkpoint that they must wear a mask at all times during screening.

Wearing of mask — person

(2) Subject to subsection (3), a person who is the subject of screening referred to in subsection (1) must wear a mask at all times during screening.

Requirement to remove mask

(3) A person who is required by a screening officer to remove their mask during screening must do so.

Wearing of mask — screening officer

(4) A screening officer must wear a mask at a passenger screening checkpoint when conducting the screening of a person if, during the screening, the screening officer is two metres or less from the person being screened.

Requirement — non-passenger screening checkpoint

31 (1) A person who presents themselves at a non-passenger screening checkpoint to enter into a restricted area must wear a mask at all times.

Wearing of mask — screening officer

(2) Subject to subsection (3), a screening officer must wear a mask at all times at a non-passenger screening checkpoint.

Exceptions

(3) Subsection (2) does not apply

(a) when the safety of the screening officer could be endangered by wearing a mask; or

(b) when the screening officer is drinking, eating or taking oral medications.

Exception — physical barrier

32 Sections 30 and 31 do not apply to a person, including a screening officer, if the person is two metres or less from another person and both persons are separated by a physical barrier that allows them to interact and reduces the risk of exposure to COVID-19.

Prohibition — passenger screening checkpoint

33 (1) A screening authority must not permit a person who has been notified to wear a mask and refuses to do so to pass beyond a passenger screening checkpoint into a restricted area.

Prohibition — non-passenger screening checkpoint

(2) A screening authority must not permit a person who refuses to wear a mask to pass beyond a non-passenger screening checkpoint into a restricted area.

Designated Provisions

Designation

34 (1) The provisions of this Interim Order set out in column 1 of Schedule 4 are designated as provisions the contravention of which may be dealt with under and in accordance with the procedure set out in sections 7.7 to 8.2 of the Act.

Maximum amounts

(2) The amounts set out in column 2 of Schedule 4 are the maximum amounts of the penalty payable in respect of a contravention of the designated provisions set out in column 1.

Notice

(3) A notice referred to in subsection 7.7(1) of the Act must be in writing and must specify

- (a) the particulars of the alleged contravention;
- (b) that the person on whom the notice is served or to whom it is sent has the option of paying the amount specified in the notice or filing with the Tribunal a request for a review of the alleged contravention or the amount of the penalty;
- (c) that payment of the amount specified in the notice will be accepted by the Minister in satisfaction of the amount of the penalty for the alleged contravention and that no further proceedings under Part I of the Act will be taken against the person on whom the notice in respect of that contravention is served or to whom it is sent;
- (d) that the person on whom the notice is served or to whom it is sent will be provided with an opportunity consistent with procedural fairness and natural justice to present evidence before

the Tribunal and make representations in relation to the alleged contravention if the person files a request for a review with the Tribunal; and

(e) that the person on whom the notice is served or to whom it is sent will be considered to have committed the contravention set out in the notice if they fail to pay the amount specified in the notice and fail to file a request for a review with the Tribunal within the prescribed period.

Repeal

35 The *Interim Order Respecting Certain Requirements for Civil Aviation Due to COVID-19, No. 49*, made on December 13, 2021, is repealed.

SCHEDULE 1

(Subsection 13(2))

Countries

Item Name

1 India

2 Morocco

SCHEDULE 2

(Subsections 1(1) and 17.1(1) and paragraphs 17.1(2)(c), 17.20(a) and (b), 17.21(2)(d) and 17.30(1)(a) to (c) and (e))

Aerodromes

<u>Name</u>	<u>ICAO Location Indicator</u>
Abbotsford International	CYXX
Alma	CYTF
Bagotville	CYBG
Baie-Comeau	CYBC
Bathurst	CZBF
Brandon Municipal	CYBR
Calgary International	CYYC
Campbell River	CYBL
Castlegar (West Kootenay Regional)	CYCG
Charlo	CYCL
Charlottetown	CYYG

Chibougamau/Chapais	CYMT
Churchill Falls	CZUM
Comox	CYQQ
Cranbrook (Canadian Rockies International)	CYXC
Dawson Creek	CYDQ
Deer Lake	CYDF
Edmonton International	CYEG
Fort McMurray	CYMM
Fort St. John	CYXJ
Fredericton International	CYFC
Gander International	CYQX
Gaspé	CYGP
Goose Bay	CYYR
Grande Prairie	CYQU
Greater Moncton International	CYQM
Halifax (Robert L. Stanfield International)	CYHZ
Hamilton (John C. Munro International)	CYHM
Îles-de-la-Madeleine	CYGR
Iqaluit	CYFB
Kamloops	CYKA
Kelowna	CYLW
Kingston	CY GK
Kitchener/Waterloo Regional	CYKF
La Grande Rivière	CYGL
Lethbridge	CYQL
Lloydminster	CYLL
London	CYXU
Lourdes-de-Blanc-Sablon	CYBX
Medicine Hat	CYXH
Mont-Joli	CYYY
Montréal International (Mirabel)	CYMX
Montréal (Montréal — Pierre Elliott Trudeau International)	CYUL
Montréal (St. Hubert)	CYHU

Nanaimo	CYCD
North Bay	CYYB
Ottawa (Macdonald-Cartier International)	CYOW
Penticton	CYYF
Prince Albert (Glass Field)	CYPA
Prince George	CYXS
Prince Rupert	CYPR
Québec (Jean Lesage International)	CYQB
Quesnel	CYQZ
Red Deer Regional	CYQF
Regina International	CYQR
Rivière-Rouge/Mont-Tremblant International	CYFJ
Rouyn-Noranda	CYUY
Saint John	CYSJ
Sarnia (Chris Hadfield)	CYZR
Saskatoon (John G. Diefenbaker International)	CYXE
Sault Ste. Marie	CYAM
Sept-Îles	CYZV
Smithers	CYYD
St. Anthony	CYAY
St. John's International	CYYT
Stephenville	CYJT
Sudbury	CYSB
Sydney (J.A. Douglas McCurdy)	CYQY
Terrace	CYXT
Thompson	CYTH
Thunder Bay	CYQT
Timmins (Victor M. Power)	CYTS
Toronto (Billy Bishop Toronto City)	CYTZ
Toronto (Lester B. Pearson International)	CYYZ
Toronto/Buttonville Municipal	CYKZ
Val-d'Or	CYVO
Vancouver (Coal Harbour)	CYHC

Vancouver International	CYVR
Victoria International	CYYJ
Wabush	CYWK
Whitehorse (Erik Nielsen International)	CYXY
Williams Lake	CYWL
Windsor	CYQG
Winnipeg (James Armstrong Richardson International)	CYWG
Yellowknife	CYZF

SCHEDULE 3

(Subparagraph 17.22(2)(a)(iii) and paragraphs 17.24(2)(a) and 17.30(2)(e))

Departments and Departmental Corporations

Name

Canada Border Services Agency

Correctional Service of Canada

Department of Agriculture and Agri-Food

Department of Fisheries and Oceans

Department of Health

Department of National Defence

Department of the Environment

Department of Transport

Public Health Agency of Canada

Royal Canadian Mounted Police

SCHEDULE 4

(Subsections 34(1) and (2))

Designated Provisions

Column 1 Designated Provision	Column 2 Maximum Amount of Penalty (\$)	
	Individual	Corporation
Subsection 2(1)	5,000	25,000
Subsection 2(2)	5,000	25,000
Subsection 2(3)	5,000	25,000
Subsection 2(4)	5,000	25,000

Subsection 3(1)	5,000	
Subsection 3(2)	5,000	
Section 4	5,000	25,000
Section 5	5,000	25,000
Subsection 8(1)	5,000	25,000
Subsection 8(2)	5,000	25,000
Subsection 8(3)	5,000	
Subsection 8(4)	5,000	25,000
Subsection 8(5)	5,000	
Subsection 8(7)	5,000	25,000
Section 9	5,000	25,000
Section 10	5,000	
Section 12	5,000	25,000
Subsection 13(1)	5,000	
Section 13.1	5,000	
Section 15	5,000	
Section 16	5,000	25,000
Section 17	5,000	25,000
Section 17.2		25,000
Subsection 17.3(1)	5,000	
Subsection 17.4(1)		25,000
Subsection 17.5(1)		25,000
Subsection 17.5(2)		25,000
Subsection 17.5(3)		25,000
Subsection 17.6(1)		25,000
Subsection 17.6(2)		25,000
Section 17.7		25,000
Section 17.9	5,000	
Subsection 17.13(1)	5,000	
Subsection 17.13(2)	5,000	
Subsection 17.14(1)		25,000
Subsection 17.14(2)		25,000
Section 17.15		25,000
Subsection 17.17(1)		25,000
Subsection 17.17(2)		25,000
Subsection 17.17(3)		25,000
Subsection 17.22(1)		25,000
Subsection 17.24(1)		25,000
Subsection 17.25(1)		25,000
Subsection 17.25(2)		25,000
Subsection 17.31(1)	5,000	
Section 17.32	5,000	
Section 17.33		25,000
Subsection 17.34(3)		25,000
Subsection 17.34(4)	5,000	
Subsection 17.34(5)		25,000
Subsection 17.35(1)		25,000
Subsection 17.35(2)		25,000

Subsection 17.35(3)		25,000
Subsection 17.36(1)		25,000
Subsection 17.36(2)		25,000
Subsection 17.36(3)		25,000
Section 17.37	5,000	
Section 17.38		25,000
Subsection 17.39(1)		25,000
Subsection 17.39(2)		25,000
Subsection 17.39(3)		25,000
Section 17.40		25,000
Subsection 18(2)	5,000	
Subsection 18(3)	5,000	
Section 19	5,000	25,000
Section 20	5,000	
Subsection 21(1)	5,000	25,000
Section 22	5,000	
Section 23	5,000	25,000
Subsection 24(1)	5,000	25,000
Subsection 24(2)	5,000	25,000
Subsection 24(3)	5,000	25,000
Subsection 25(1)	5,000	25,000
Subsection 26(1)	5,000	25,000
Subsection 27(2)	5,000	
Section 28	5,000	
Subsection 29(2)	5,000	
Subsection 30(1)		25,000
Subsection 30(2)	5,000	
Subsection 30(3)	5,000	
Subsection 30(4)	5,000	
Subsection 31(1)	5,000	
Subsection 31(2)	5,000	
Subsection 33(1)		25,000
Subsection 33(2)		25,000
